

House Bill 506

By: Representatives Collins of the 68th, Nix of the 69th, Werkheiser of the 157th, Efstration of the 104th, and Gravley of the 67th

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 7 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to grants to children of law enforcement officers, firefighters, and prison guards, so as to increase the amount of the postsecondary educational grant assistance available to a child of a law enforcement officer, firefighter, or prison guard who has been permanently disabled or killed in the line of duty or while performing duties to which he or she was assigned in the normal course of employment; to amend Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to the Georgia State Indemnification Fund, so as to provide that certain federal law enforcement officers killed in the line of duty while performing law enforcement services within this state may apply for indemnification under the Georgia State Indemnification Fund consistent with Article III, Section VI, Paragraph VI(e)(1) of the Georgia Constitution; to provide for definitions; to revise the time within which an application for indemnification shall be made under the fund; to provide for related matters; to provide for a short title; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Patrick Thomas Carothers Act."

SECTION 2.

Subpart 7 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to grants to children of law enforcement officers, firefighters, and prison guards, is amended by revising Code Section 20-3-452, relating to amount of grants to each eligible student, as follows:

"20-3-452.

There is granted to each eligible student attending an approved school the sum of ~~\$2,000.00~~ \$6,000.00 per academic year. No person shall be eligible to receive grant assistance

provided under this subpart in excess of ~~\$8,000.00~~ \$24,000.00. Grant assistance to eligible students under this subpart shall be payable during the period of a summer school quarter or semester. The payment of grants to eligible students under this subpart shall be contingent upon the appropriation of funds by the General Assembly for the purposes of this subpart in annual appropriations Acts of the General Assembly."

SECTION 3.

Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to the Georgia State Indemnification Fund, is amended by revising paragraphs (6) and (7) of Code Section 45-9-81, relating to definitions, as follows:

"(6) 'In the line of duty' means:

(A) With respect to an emergency medical technician or an emergency management rescue specialist, while on duty and when responding to or returning from an emergency or performing duties at the scene of an emergency or transporting a person to a medical facility for emergency treatment or returning therefrom;

(B) With respect to a volunteer firefighter, while on duty and when responding to or returning from a fire or other emergency or performing duties during any fire or other emergency or performing duties intended to protect life and property, including, without limitation, actual participation in a training exercise;

(C)(i) Except as provided for in division (ii) of this subparagraph, with ~~With~~ respect to a law enforcement officer or firefighter, while on duty and performing services for and receiving compensation from the law enforcement and fire service agency which employs such officer or firefighter, while off duty when responding to any situation which would save a life or preserve the peace, or while preventing or attempting to prevent the commission of a crime or fire. Except as provided for in division (ii) of this subparagraph, a ~~A~~ law enforcement officer or firefighter who is performing duties for and receiving compensation from a private employer at the time of such officer's or firefighter's death or bodily injury causing total permanent disability or partial permanent disability shall not be considered in the line of duty if the officer or firefighter is entitled to workers' compensation benefits from the private employer or the private employer's insurer; or

(ii) With respect to a federal agent or officer, while on duty and performing services within this state at time of such agent's or officer's death;

(D) With respect to a prison guard, while on duty and performing services for and receiving compensation from the public agency which employs such prison guard; or

(E) With respect to a state highway employee, while on duty and performing any work necessary for the construction, maintenance, or operation of a roadway on or within the

public roads of the state as defined in paragraph (24) of Code Section 32-1-3 when such employee is killed or permanently disabled as the result of working under hazardous conditions in close proximity to moving traffic or equipment.

Such term shall not mean commuting to or from work or commuting to or from training.

(7) 'Law enforcement officer' means ~~any~~:

(A) Any agent or officer of this state, a political subdivision or municipality of this state, or an authority of this state or a political subdivision of this state who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws with the power of arrest and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. ~~Such term also includes the employees;~~

(B) Employees designated by the commissioner of juvenile justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8 who have the duty to investigate and apprehend delinquent children, or the supervision of delinquent children under intensive supervision in the community, and any child with a pending juvenile court case alleging the child to be a child in need of services who has escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who has broken the conditions of supervision. ~~Such term also includes members;~~

(C) Members of the Georgia National Guard, the composition of which is set forth in Code Section 38-2-3, who have been called into active state service by the Governor;
or

(D) Any federal agent or officer who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce criminal laws with the power of arrest and whose duties include the preservation of public order, the protection of life and property, apprehension of persons, or the prevention, detection, or investigation of crime."

SECTION 4.

Said part is further amended by revising subsection (c) of Code Section 45-9-86, relating to application for indemnification, as follows:

"(c) An application for indemnification with respect to death, organic brain damage, total permanent disability, or partial permanent disability must be made within ~~24~~ 36 months after the date of the incident giving rise to the death, organic brain damage, or disability."

95 **SECTION 5.**

96 Sections 3 and 4 of this Act shall apply to claims regarding an incident giving rise to death
97 occurring on or after November 1, 2016.

98 **SECTION 6.**

99 All laws and parts of laws in conflict with this Act are repealed.